IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 5TH JANUARY 2007 / 15TH POUSHA, 1928

C.R.P.No. 370 of 2006(G)

(AGAINST ORDER DATED 15-06-06 IN I.A.1206/06 IN O.S.146/04 ON THE FILE OF MUNSIFF COURT, ALUVA.)

PETITIONERS/RESPONDENTS 1,2,4 AND DEFENDANTS 1,2&4

1. N.X.FRANCIS, AGED 47 YEARS, S/O. XAVIER, RESIDING AT KADATHU KADAVIL NEELIKKAL HOUSE, ALUVA KARA, ALUVA TALUK.

2. JANCY FRANCIS, AGED 41, W/O. FRANCIS, -DO-

3. RAGHAVAN NAIR, AGED 65, S/O. GOVINDAN PILLAI, VELIYATHU HOUSE, THOTTAKKATTUKARA, ALUVA TALUK.

BY ADV. SRI. V.K. VEERAVUNNY
SRI. K.Y. TOMY

RESPONDENTS/PETITIONER & RESPONDENTS 2 & 5/PLAINTIFF/3RD DEFENDANT

1. DARMADEEPTHI COMPANY, REGISTERED OFFICE AT FRIENDSHIP HOUSE, ALUVA KARA, ALOUVA VILLAGE, ALUVA TALUK REPRESENTED BY MANAGER SRI. JOHN MILTON, AGED 53, S/O. FRANCIS MALIAKKAL.

2. T.A.PATHROSE, AGED 42, S/O. ALIAS, TADIYIDAMOOLAYIL, MUZHUVANNOOR KARA, KUNNATHUNADU TALUK.

3. JOSEPH FRANCIS, AGED 43, S/O. FRANCIS, KUNDALA HOUSE, THAIKKATTU KARA, ALUVA TALUK.

BY ADV. SRI.P.T.SEBASTIAN
SRI.K.MATHEW FRANCIS
SRI.P.T.SEBASTIAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.R.P.370/06

ORDER ON I.A.1598/06 IN C.R.P.370/06

DISMISSED

05.01.2007. SD/-M.SASIDHARAN NAMBIAR, JUDGE.

/TRUE COPY/

PA TO JUDGE.

M.SASIDHARAN NAMBIAR,J.

C.R.P.NO.370 OF 2006

DATED THIS THE 5TH DAY OF JANUARY, 2007

ORDER

Petitioners are the defendants 1,2 and 4 in O.S.146/04 on the file of Munsiff Court, Aluva. First respondent is the plaintiff and respondents 2 and 3 are other defendants. Plaintiff filed I.A.1206/06 for permission to examine Asst. Manager of plaintiff Company as a witness. Under order dated, 15.6.06, learned Munsiff allowed the application. It is challenged in this revision filed under Section 115 of the Code of Civil Procedure.

2. Under the impugned interlocutory order, the suit has not been decided. Even if I.A.1206/06 was dismissed, it would not have terminated the suit. Therefore, under proviso to Section 115 of the Code, no revision will lie against that order. Even on merits, as per the order leaned Munsiff has only permitted plaintiff to examine Asst. Manger as a witness. The contention of petitioners was that Asst. Manager is not competent to represent the Company in the legal matters. The effect of the evidence of that witness is to be decided in the suit. Even if Asst. Manager is examined as a witness, petitioners are entitled to raise their contentions on the sufficiency of his

evidence. In such circumstances there is no infirmity or illegality in the impugned order.

Revision petition is dismissed.

M.SASIDHARAN NAMBIAR,JUDGE

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